



To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Innovation and Team Spirit.

REVISION: This revised directive supersedes TSA MD 100.0-2, *Office of Inspection Roles and Responsibilities*, dated December 30, 2010.

SUMMARY OF CHANGES: Section 3; Authorities, updated authorities; Section 4; Definitions, added definitions; Section 5, Responsibilities, revised to reflect changes in responsibilities in each Office of Inspection division; and Section 6, Policy, updated and added policy.

1. **PURPOSE:** This directive defines the roles and responsibilities of the Office of Inspection (OOI).
2. **SCOPE:** This directive applies to all TSA organizational elements.
3. **AUTHORITIES AND REFERENCES:**
 - A. 31 U.S.C. §3512, “Executive Agency Accounting and Other Financial Management Reports and Plans”
 - B. Aviation and Transportation Security Act (Public Law 107-71)
 - C. Homeland Security Act of 2002 (Public Law 107-296)
 - D. Memorandum between the Department of Homeland Security (DHS) Directorate of Border and Transportation Security and the DHS Office of Inspector General, dated March 25, 2003
 - E. [TSA MD 100.0, TSA Roles and Responsibilities](#)
 - F. [TSA MD 1100.73-5, Employee Responsibilities and Code of Conduct](#)
 - G. [TSA MD 1100.73-5, Handbook on Employee Responsibilities and Code of Conduct](#)
 - H. [TSA MD 1100.88-1, Law Enforcement Position Standards and Hiring Requirements](#)
4. **DEFINITIONS:**
 - A. Administrative Inquiry: A review of allegations of administrative misconduct conducted by a local management official after referral from OOI.
 - B. Administrative Investigation: A review of allegations of egregious administrative misconduct that is conducted by OOI. An administrative investigation typically involves allegations that if proven may result in disciplinary or adverse action up to, and including, removal. Additionally, an administrative investigation may involve the investigation of systemic failures or issues, complex fact patterns, multiple subjects of interest, or may result in a criminal investigation.

**TSA MANAGEMENT DIRECTIVE No. 100.0-2
OFFICE OF INSPECTION ROLES AND RESPONSIBILITIES**

- C. Administrative Misconduct: Misconduct involving allegations of violations of TSA and DHS policies.
- D. Adverse Action: Employment action that includes a suspension of more than 14 days, including an indefinite suspension, an involuntary demotion for performance/conduct, or a removal.
- E. Criminal Investigation: An investigation into allegations that a TSA employee, contractor, regulated entity or individual, or any other entity or individual with sufficient nexus to TSA's operations engaged in misconduct that may violate a criminal statute. Typically such investigations will involve alleged violations of Titles 18 and 49 of the United States Code. Examples of investigations may include theft of government or personal property, fraud in worker's compensation claims, mismanagement of government property, false statements given in TSA's regulatory requirements, threats against government officials, mishandling of Classified National Security Information, criminal threats to transportation security and other related allegations of criminal misconduct. Such reviews may require the administration of *Garrity*, *Kalkines*, or *Miranda* warnings, issuing administrative subpoenas, taking sworn statements from the subject(s) or witness(es), and/or presenting evidence to federal or state prosecutors.
- F. Covert Security Tests: Unannounced exercises in which transportation security systems are attempted to be intentionally compromised or circumvented to identify vulnerabilities.
- G. Disciplinary Action: Employment action consisting of a Letter of Reprimand to a suspension of 14 days or less.
- H. External Entities: Includes any TSA contractor or regulated entity, such as an airline operating flights that originate within or terminate within the continental United States.
- I. Garrity Warning: Warning given during an investigation to an employee informing them that any information provided may be used as evidence against the employee in any future criminal proceeding.
- J. Internal Entities: Includes all TSA Organizational Offices and directorates under the control and authority of the Administrator for TSA.
- K. Kalkines Warning: Warning given to an employee when the possibility of criminal prosecution has been removed, usually by a declination to prosecute by the U.S. Department of Justice, and the employee is required to answer questions relating to the performance of his or her official duties or be subject to disciplinary action.
- L. Law Enforcement Employees: Any TSA employee designated as a law enforcement officer as defined in TSA MD 1100.88-1.
- M. Miranda Warning: A right to silence warning given to criminal suspects in police custody (or in a custodial interrogation) before they are interrogated to preserve the admissibility of their statements against them in criminal proceedings.

**TSA MANAGEMENT DIRECTIVE No. 100.0-2
OFFICE OF INSPECTION ROLES AND RESPONSIBILITIES**

N. Senior-level Employees: For the purpose of this directive, includes all persons in the Transportation Security Executive Service (TSES) program, K through M Pay Bands, Federal Security Directors (FSDs), Deputy FSDs, Assistant FSDs, Deputy Assistant FSDs, TSA Representatives (TSARs), Supervisory Air Marshals in Charge, and Special Agents in Charge.

5. RESPONSIBILITIES:

A. OOI is responsible for:

- (1) Ensuring the integrity and security of TSA's administration and operations through investigations, audits and inspections;
- (2) Conducting impartial and comprehensive criminal and administrative investigations;
- (3) Referring selected issues for local administrative inquiries and providing oversight and monitoring of such inquiries; and
- (4) Conducting covert security tests, which may require coordination with federal, state or local law enforcement officers to conduct tests, using audits and inspections, investigations, and special operations testing expertise to provide products and services that target key program areas and issues that are mission critical to TSA.

B. Assistant Administrator for Inspection (AA/OOI) is responsible for:

- (1) Providing leadership, direction, and guidance to the OOI Divisions, including the Business Management Office, Audits and Inspections Division, Special Operations Division, and Investigations Division.
- (2) Providing oversight of investigations involving criminal and administrative misconduct and violations of program requirements;
- (3) Implementing an employee integrity testing program;
- (4) Overseeing a covert testing program of all modes of transportation to assess TSA security systems and determine if vulnerabilities exist; and
- (5) Implementing an audit and inspection program regarding operational and administrative procedures and policies, and reviewing TSA operations and programs for reliability and integrity of information and the safeguarding of assets.

C. Investigations Division (ID) is responsible for:

- (1) Conducting criminal investigations of TSA employees;
- (2) Conducting administrative investigations of senior-level employees or, where appropriate, referring such allegations for local administrative inquiries, providing oversight and monitoring of these inquiries, and forwarding the administrative inquiry to the Office of Professional Responsibility (OPR) for adjudication;

**TSA MANAGEMENT DIRECTIVE No. 100.0-2
OFFICE OF INSPECTION ROLES AND RESPONSIBILITIES**

- (3) Conducting administrative investigations of law enforcement employees or, where appropriate, referring such allegations for local administrative inquiries, providing oversight and monitoring of these inquiries, and forwarding the administrative inquiry to OPR for adjudication;
 - (4) Conducting administrative investigations of J-band employees or Transportation Security Managers (TSMs):
 - a. And forwarding to OPR for adjudication;
 - b. Or, where appropriate, referring such allegations for local administrative inquiries and adjudication;
 - c. Or, where appropriate, referring such allegations for local administrative inquiries, providing oversight and monitoring of these inquiries, and forwarding the administrative inquiry to OPR for adjudication.
 - (5) Conducting administrative investigations of allegations of sexual harassment or, where appropriate, referring such allegations for local administrative inquiries and providing oversight and monitoring of these inquiries;
 - (6) Conducting administrative investigations of all other employees, when the AA/OOI, or designee, considers an administrative investigation appropriate;
 - (7) Conducting administrative and/or criminal investigations of entities and persons contracted by TSA;
 - (8) Conducting criminal investigations of entities and persons regulated by TSA and of entities or persons providing services required by TSA regulation to a regulated entity;
 - (9) Investigating whistleblower allegations as requested by the Office of Special Counsel or the DHS Office of Inspector General (OIG);
 - (10) Providing forensic computer analysis and other technical service capabilities;
 - (11) Providing criminal and counterintelligence polygraph services;
 - (12) Operating TSA's "Hotline" for reports of criminal and administrative misconduct;
 - (13) Investigating all allegations referred to OOI by the DHS OIG in accordance with 5.C(1) through 5.C(8) above; and
 - (14) Investigating any allegations of criminal misconduct received by OOI not included within the categories specified above. This may include threats against TSA employees or facilities, or participating in investigations, in which other federal, state, or local law enforcement agencies may have the lead.
- D. Business Management Office (BMO) is responsible for:
- (1) Managing OOI's communications and information management programs;

TSA MANAGEMENT DIRECTIVE No. 100.0-2
OFFICE OF INSPECTION ROLES AND RESPONSIBILITIES

- (2) Coordinating OOI's resource management needs, to include the areas of acquisitions, administration, financial management, human capital, information technology, metrics and training; and
- (3) Supporting the three operational divisions in OOI: Audits and Inspections Division, Investigations Division and Special Operations Division.

E. Audits and Inspections Division (AID) is responsible for:

- (1) Auditing internal entities according to an annual workload plan, or in response to special requests by TSA leadership to determine compliance with laws, regulations, and contracts, and identifying opportunities for improvement;
- (2) Auditing external entities at the request of TSA leadership to determine compliance with laws, regulations, and contracts, and identifying corrective action plans or areas for improvement;
- (3) Inspecting TSA operations at airports, Federal Air Marshal Service field offices, and other entities to determine the level of compliance with policies, procedures, and program requirements, and identifying corrective action plans or areas for improvement; and
- (4) Conducting morale and communication reviews to assess the assumptions, values, attitudes, beliefs, and behaviors of personnel that could impact morale and communication within an entity.

F. Special Operations Division (SOD) is responsible for:

- (1) Conducting covert tests of domestic transportation security systems, or as directed by the TSA Administrator or his/her designee, to provide TSA leadership with comprehensive security assessments designed to identify vulnerabilities in established security systems and identify corrective actions or areas for improvement;
- (2) Conducting covert tests of cargo security screening operations at facilities that operate under a TSA-approved Standard Security Program and transport or tender cargo for transport on passenger aircraft to assess the effectiveness of screening and adherence to regulations and policy;
- (3) Assisting international security partners in developing covert testing programs in the transportation domain in an effort to improve screening of flights entering the U.S. upon request;
- (4) Conducting multi-modal red team assessments to probe for potential security weaknesses by using multiple techniques intended to resemble those used by an adversary; and
- (5) Obtaining legal concurrence and approval of the AA/OOI before conducting covert testing of information technology systems.

6. POLICY:

- A. OOI analysts, auditors, inspectors and investigators shall be given full and unimpeded access to all TSA areas, buildings, databases, facilities, land, sites and systems of records to make any inspections or conduct tests, including copying records, to determine compliance with laws, regulations, policies, procedures, program requirements, and contracts.
- B. OOI analysts, auditors, inspectors and investigators shall be provided with appropriate office space and equipment, access to requested information, and other services, as necessary, to effectively accomplish their mission.

C. Media Inquiries:

OOI personnel shall not respond to media inquiries or questions about the existence of an ongoing investigation or comment on its nature or progress, including such things as the issuance or serving of a subpoena. All media inquiries must be forwarded to the Investigations Division Director for handling.

- D. In accordance with Sections 5.D(9) and 5.D(10) of [TSA MD 1100.73-5, *Employee Responsibilities and Code of Conduct*](#), TSA employees shall report suspicions of misconduct and/or criminal activity, or conspiracy to commit criminal activity by any TSA employee or contractor; mismanagement of TSA resources and programs; and incidents that can compromise the effective operation of the agency.

Examples of incidents requiring reporting:

- Theft or unexplained loss of U.S. Government property that is not expendable or involves sensitive or classified material.
 - Incidents involving the discharge or improper use of a firearm by a Federal Flight Deck Officer or any TSA weapon-carrying employee.
 - Major incidents, such as vehicular accidents involving loss of life, allegations of use of force, or use of excessive force by TSA employees, and aggravated assaults on employees while on official business.
 - Misuse of official-government vehicles, purchase and travel cards, or property.
 - Actual or potential theft, loss, or non-authorized disclosure of classified information, sensitive law enforcement information or sensitive security information (SSI).
 - Misuse of TSA or government issued identification.
 - Racial Profiling in screening activities.
- E. TSA employees shall fully cooperate with all DHS- or TSA-initiated investigations or inquiries conducted by either OOI or, if the matter has been referred back to local management, by the local management official tasked with conducting the administrative inquiry. Refer to § F.1 of the [TSA Handbook to MD 1100.73-5, *Employee Responsibilities and Code of Conduct*](#).
- F. OOI law enforcement officers performing federal law enforcement activities shall adhere to the U.S. Department of Justice's *Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity*.

**TSA MANAGEMENT DIRECTIVE No. 100.0-2
OFFICE OF INSPECTION ROLES AND RESPONSIBILITIES**

G. Reports made to OOI, and any inquiries or investigation made pursuant to this directive, do not constitute initiation of the Equal Employment Opportunity complaint procedure pursuant to Title 29 of the Code of Federal Regulations, Part 1614. Allegations of discrimination must be reported to the Office of Civil Rights and Liberties, Ombudsman and Traveler Engagement.

7. **PROCEDURES:** Reference applicable guides, manuals, standard operating procedures and instructions, and other process directions specific to the program functions described in this directive.

8. **APPROVAL AND EFFECTIVE DATE:** This policy is approved and effective the date of signature unless otherwise specified.

APPROVAL

Signed

November 4, 2016

Sophia D. Jones
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Date

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